

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 356

Introduced by Senator Blakeslee

February 15, 2011

An act to add Section 5080.42 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 356, as amended, Blakeslee. State parks: local operating agreements.

Existing law authorizes the Department of Parks and Recreation to enter into agreements with any agency of the United States or any city, county, district, or other public agency for the care, maintenance, administration, and control by a party to the agreement, of lands under the jurisdiction of any party to the agreement for purposes of the state park system. Existing law prohibits an operating agreement to be entered into or amended, unless, among other things, the Legislature has reviewed the lease or agreement, or amendment, as part of the annual budget process.

This bill would require the department, if it proposes to *fully* close a unit of the state park system, *with no planned public access*, to notify the county or city in which the unit is located. Pursuant to procedures specified in the bill, a county or city would have the opportunity to take over operations and maintenance of the unit of the state park system. The bill would require the department to enter into ~~an agreement~~ *negotiations* with a county or city that notifies the department of its intention to take over the operation and maintenance of a unit of the state park system in response to the department's notice. The bill would

require ~~the~~ *an* agreement *entered into* to include certain provisions, including a provision that ~~the use of existing local government staff, volunteers, or cooperating associations are exempt from state prevailing wage requirements.~~ The bill would also require the agreement to include ~~the provision that~~ the length of the term of the agreement *to* be not less than one year and not longer than 5 years, with an option to renew upon the conclusion of the agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5080.42 is added to the Public Resources
2 Code, to read:
3 5080.42. (a) ~~Notwithstanding this article, a~~ A city or county
4 shall have the opportunity to provide for the operation and
5 maintenance of a unit of the state park system, pursuant to this
6 section, that the state proposes to ~~close~~ *fully close with no planned*
7 *public access.*
8 (b) (1) If the state proposes to close a unit of the state park
9 system, the department shall notify the county in which the unit
10 is located of the department's intent to close the unit.
11 (2) Upon receiving the notice pursuant to paragraph (1), the
12 county board of supervisors shall have ~~15~~ ____ days to respond
13 in writing to the department on whether it will consider voluntarily
14 taking over operation and maintenance of the unit of the state park
15 system that is proposed to be closed. The county may elect to take
16 over operation and maintenance of the unit if a majority of the
17 county board of supervisors votes to do so at a properly noticed
18 public hearing with an opportunity for community stakeholders to
19 be heard. After approval at the hearing, the county shall provide
20 written notice to the department within ~~60~~ ____ days of the notice
21 pursuant to paragraph (1) of its intent to take over the operation
22 and maintenance of a unit of the state park system that is proposed
23 to be closed.
24 (c) (1) If the board of supervisors declines to take over operation
25 by failing to respond to the department's notice within the ~~15-day~~
26 ____-day period, or if a majority of the board opposes taking over
27 operation and maintenance of the unit by a vote at the public
28 hearing, pursuant to paragraph (2) of subdivision (b), the

department shall notify the city in which the unit is located of the department's intent to close the unit.

(2) Upon receiving the notice pursuant to paragraph (1), the city shall have ~~30~~ ____ days to respond in writing to the department on whether the city plans to consider taking over operation and maintenance of the unit that is proposed to be closed. The city may elect to take over operation and maintenance of the unit if a majority of the city council members ~~votes~~ *vote* to do so at a properly noticed public hearing with an opportunity for community stakeholders to be heard. After approval at the hearing, the city shall provide written notice to the department within ~~60~~ ____ days of the notice pursuant to paragraph (1) of its intent to take over the operation and maintenance of a unit of the state park system that is proposed to be closed.

(d) If a county or city provides written notification of its intent to take over the operation and maintenance of a unit of the state park system, pursuant to subdivision (b) or (c), the department shall enter into ~~an agreement~~ *negotiations* to transfer the full responsibilities of operating and maintaining the unit to the county or city. ~~The agreement~~ *An agreement entered into* shall include, but not be limited to, the following provisions:

(1) ~~To reduce the cost impact to a county or city assuming responsibility for operating and maintaining the park, the county or city is encouraged and authorized to use existing local government staff resources as well as contract with volunteer cooperating associations and utilize volunteers to the extent possible and appropriate in order to operate and manage the park. The use of existing local government staff, volunteers, or cooperating associations shall be exempt from prevailing wage requirements pursuant to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.~~

(2) ~~In the event the county or city would benefit from retaining existing department staff to continue performing critical or specialized functions within the park that cannot be fulfilled by local government staff, volunteers, or cooperating associations, the county or city may enter into a contract with the department to provide for the temporary employment of department staff. The department may provide these employees with a leave of absence whereby the state's contribution to salary and benefits may be~~

1 ~~suspended for the term of the leave. The county or city may enter~~
2 ~~into a new contract negotiated with the individual employee.~~

3 ~~(3)~~

4 (1) The county or city shall operate and maintain the unit
5 consistent with the general plan for the unit, or the state park
6 system, as applicable.

7 ~~(4)~~

8 (2) Capital improvements or changes in the use of the unit by
9 the county or city shall be approved by the department.

10 ~~(5)~~

11 (3) The agreement shall not limit or impair the ability of the
12 county or city to work collaboratively with other local governments
13 to operate and manage the ~~unit~~ unit, *with the approval of the*
14 *department.*

15 ~~(6)~~

16 (4) The department and the county or city shall agree to the
17 length of the term for which the county or city will operate and
18 manage the unit, which shall not be less than ~~a~~ *one* year and not
19 longer than five years. At the conclusion of the agreement term,
20 the department and the county or city may enter into another
21 agreement pursuant to this section.